

# Alabama State Board of Chiropractic Examiners

## Proposed Amended Rule

### 190-X-1-.02      **Composition And Selection Of Board.**

(1)            Composition and Selection of Board. The Board shall be composed of nine members, eight of which shall be licensed to practice and are currently practicing in Alabama who meet the qualifications set out in Code of Ala. 1975, §§34-24-140, 34-24-141 and one consumer member appointed by the Governor. Members serve staggered four-year terms and continue to serve until a new member is appointed/elected, and qualified. No member shall serve more than two consecutive terms. The Alabama State Board of Chiropractic Examiners shall conduct an annual election according to the terms set out in this rule. When a vacancy occurs, whether by expiration of the term, death, resignation of a member, or other cause, the vacancy shall be filled in the same manner as the original appointment/elections are made.

(2)            Candidate/Elected Member Qualification. In order to qualify the potential candidate/ elected member must ~~fulfill~~ meet the following qualifications requirements:

(a)            Be a citizen and a resident of Alabama who has resided in this State for at least five (5) years;

(b)            Reside in the Congressional district from which they seek election, except for one African American elected from the state at-large;

(c)            Be a graduate of a chartered chiropractic school which required actual attendance in the school as a prerequisite to graduation;

(d)            Be actively licensed in Alabama and currently engaged in the clinical practice of chiropractic and have been so engaged for at least the five (5) immediately preceding years;

(e)            Have renewed his or her license to practice chiropractic by September 30 of the year in which the election shall take place;

~~(e)~~(f)        Be of good moral character, with no board convictions in the five (5) years preceding qualification, no prior criminal convictions, and no recent history of drug or alcohol abuse; and

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~~(f)~~ (g) Must not be presently on probation relating to the practice of chiropractic in any state including this state; and

~~(g)~~ (h) Submit a completed qualification form to the Board not less than 20 days prior to the election or within the time stated in the Notice of Election.

(3) Voter Qualification. In order to be eligible to vote in a board election you must ~~fulfill~~ meet the following qualifications ~~requirements~~:

(a) Reside ~~Must reside~~ in the respective congressional district ~~in which you are voting~~.

(b) Certify ~~Must certify to~~ your residency in the congressional district on your completed ballot.

(c) Have ~~Must have~~ an active Alabama license.

(4) Ballots.

(a) An official ballot will be sent to each qualified voter in the respective district not less than 14 days and not later than 120 days after the deadline for qualification.

(b) In order to be counted it must be received by the Board not later than 14 days after the ballots are mailed.

(c) Each official ballot must be returned in the official envelope in order to be counted.

(d) Only original, official ballots will be counted.

(e) The ballots will be maintained for 6 months by the Executive Director of the Board as public information.

(5) Ballot Counting. As soon as possible, after the deadline for board reception of ballots the Executive Director will deliver by hand or mail all of the unopened ballots to an independent agency employed by the Board for the purpose of tabulating the votes and declaring a majority winner. Unless there is only one candidate for the board and in this situation, the board shall certify the results. ~~and the~~ The results of the election shall be certified by no less than three members of the board. The candidate with a simple majority of the votes cast

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in each respective congressional district shall be declared the winner. In the event that no majority is gained by a candidate run-off ballots will be sent out within 14 days of the completion of the ballot tabulation and a run-off election between the two largest vote recipients will be held.

Immediately upon being declared the winner, the elected member shall take office. ~~majority vote recipient will take possession of the expired position on the Board.~~

Effective: 3-6-90, amended 8/06, amended 1/97, (1), (2)(D), (3)(C), (5) amended 8/2003,  
(1)(2)(B)(D)(F)(G) amended 6/06, (2)(A)(5) amended 3/2009; amended 6/2013  
Authority: 34-24-140; 34-24-141; 34-24-144; 34-24-165

**190-X-1-.09 Use Of Forms.** All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Forms used by the Board may be acquired from the Executive Director. Forms currently used are found in the Appendix A to these rules and / or at [www.chiro.alabama.gov](http://www.chiro.alabama.gov).

Effective: 10/1/82, amended 3/2009, amended 6/2013  
Authority: 34-24-144; 34-24-165

**190-X-1-.13 Directory Of Licensees Published.** The Board shall publish annually a directory listing all permit holders and all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the Executive Director at cost, which cost shall be estimated and set from time to time by resolution of the Board.

**Author:** Board of Chiropractic Examiners.

Effective: 9/15/82, amended 3/2009, amended 6/2013  
Authority: 34-24-1; 34-24-6; 34-24-28; 34-24-140; 34-24-144;  
34-24-165

**190-X-1-.18 Fees.** Fees shall be as follows:

(1)	License Application Fee	\$150.00
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An application fee not to exceed \$150.00 shall be required of all applicants for licensure. The exact fee shall be set from time to time by resolution of the Board.

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(2) Exam Application Fee \$150  
An applicant must complete the application form and pay a fee of \$150 pursuant to Rule 190-X-2-.02 and Rule 190-X-2-.17.

(3) Original License \$50  
Upon completion of all requirements for licensure and payment of the license issuance fee of not more than \$50.00 as set from time to time by resolution of the Board, an applicant shall be issued a license.

(4) Clinic Owner Non Licensed \$75  
An applicant for a permit shall submit to the Board an application as prescribed by the Board, along with a permit fee to be established by the Board.

(5) Permit or License Replacement \$50  
The fee for any replacement permit or license shall be \$50.00

(6) Renewal-Active \$300  
A fee not exceeding \$300.00 to be fixed by rule of the Board is required for annual license renewal. The renewal fee is \$300.00.

(7) Renewal-Retired \$150  
The annual fee for maintenance of a retired license may not be more than one-half that provided in 190-X-2-.11(4) for an active license.

(8) Renewal-Inactive \$150  
The annual fee for an inactive license shall be one-half of the amount required by 190-X-2-.11(5)

(9) Late Fees for Licensees and Clinic Owner Non Licensed \$50-250  
The late penalty for renewal during the month of October is fifty dollars (\$50), for renewal during the month of November is one hundred dollars (\$100) and for renewal during the month of December is two hundred and fifty dollars (250).

(10) Reinstatement \$150  
In the event any licensee or permit holder who allows his/her license to lapse past December 31 and desires to return to active practice, he/she must apply to the Board for a reinstatement of the license or permit and must submit to the Board a reinstatement fee of \$150.00 together with all back fees including the highest late renewal penalty.

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(11) Preceptor Doctor \$25/month (\$75/quarter)  
Contribute \$25.00 monthly (payable the first quarter with the preceptor application and thereafter quarterly in advance) to the Alabama State Board of Chiropractic Examiners to defray expense of administration of this program only when the Preceptor actually has an extern or intern in the office.

(12) Disciplinary Fines \$500-2,000 per violation

(a) The Board may impose a fine not to exceed \$2,000 for each violation off any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class A violations)

1. Section 34-24-166(b) (1);
2. Section 34-24-166(b) (2);
3. Section 34-24-166(b) (3);
4. Section 34-24-166(b) (4);
5. Section 34-24-166(b) {5};
6. Section 34-24-166(b) (6);
7. Section 34-24-166(b) (9);
8. Section 34-24-166(b) (10);
9. Section 34-24-166(b) (11); ~~and~~
10. Section 34-24-166(b) (12); and
11. Section 34-24-166(b) (15);

(b) The Board may impose a fine not to exceed \$1,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class B violations):

1. Section 34-24-166(b) (7); and
2. Section 34-24-166(b) (8);

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(c) The Board may impose a fine not to exceed \$500 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class C violations);

1. Section 34-24-166(b) (13);
2. Section 34-24-166(b) (14);
3. Section 34-24-166(b) ~~(15)~~ (16); and
4. Section 34-24-166(b) ~~(16)~~ (17)

(13) Disciplinary Costs Up to \$8,000 per guilty count  
The Board may impose costs in the amount of up to \$8,000, in connection with any hearing held in connection with the refusal of a license or permit pursuant to Code of Ala. 1975, 34-24-166(a).

(14) Annual Directory \$50  
The Board shall publish annually a directory listing all permit holders and all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the Executive Director at cost, which cost shall be estimated and set from time to time by resolution of the Board.

(15) CCE Provider/Course Approval Application \$75/per module

(16) 5 Year CCE History \$25 per licensee

(17) Permit holder or Licensee Listing (paper list) \$50

(18) The following fee schedule will apply to all organizations (except state and local government agencies) requesting information from the licensee or clinic databases:

(a) A fee of ten cents (\$.10) per record, up to (10) data fields, and a fee of one cent (\$.01) for each data field exceeding ten (10) will be charged. These fees apply to data released via email or CDROM disks in Microsoft Excel format;

(b) Additional charges will incur for (but may not be limited to) the cost of CDROM disks (\$2.00) each), plus postage;

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(c) A minimum total fee of (\$75.00) will be charged for each request.

(d) State and local government agencies will be exempt from all charges except for materials used. These agencies may choose to supply their own CDROM disks and pick up the data, thereby avoiding all charges.

(19) Mailing Labels (paper) \$55

(20) License Verification \$10  
Any permit holder or licensee who requires written verification of his/her Alabama license or permit may request certification upon payment of a fee of \$10 each.

(21) Copy of Rules (paper) \$50

(22) Copies .50 cents/page plus postage

(23) NSF Fee Max allowed by law  
Pursuant to Code of Ala. 1975, 8-8-15, this fee must accompany any check, or other negotiable instrument drawn on a bank or other depository institution and made payable to the Board, if the instrument is not paid or is dishonored by the institution.

~~(24) Pursuant to Code of Ala, 1975, 8-8-15, this fee must accompany and check, or other negotiable instrument drawn in a bank or other depository institution and made payable to the board, if the instrument is not paid or its dishonored by the institution.~~

(24) ~~(25)~~ Fee to resend Mail \$25

(25) ~~(26)~~ Proposed Rule Subscription \$10 (annual subscription)

Author ASBCE

Effective: 6/2008; amended 1/09; amended 4/2010, amended 01/2011

(10) (15), amended 6/2013 (2) (5) (10) (12) (14) (

Authority: 34-24-144; 34-24-165; 34-24-166(c) (1)

### 190-X-2-.01 Requirements For Licensure By Examination.

(1) All applicants, who graduated from chiropractic college after January 1, 2010, shall have a bachelors degree from an accredited college or university or an academic graduate degree from a regionally accredited college or university and

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evidence of passing a nationally recognized standardized test commensurate with the referenced degree. In addition, the applicant and shall be a graduate of a chartered chiropractic school or college accredited by the council of chiropractic education which teaches only attendance courses and requires a minimum four-year standard college course.

(2) Each applicant shall submit a properly completed Alabama Bureau of Investigation (ABI) Form - 46 and required processing fees for a criminal background report.

(3) Each applicant shall submit a properly completed ABI Form - 46 and Federal Bureau of Investigation (FBI) fingerprint cards and required processing fees for an FBI criminal background report.

(4) The applicant shall submit an application fee and an examination fee in the amounts set forth by Board Rule. The fees must be in the form of a cashier's check, bank certified check, or money order only. These fees are non refundable.

~~(3)~~(5) Each applicant shall be of good moral character, a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

~~(4)~~(6) Application Required

(a) Application Form. Each applicant for licensure shall fully complete an application form prescribed by the Board.

(b) Documentation. The documents indicated below must be received by the Board before an application will be processed.

1. The following must be submitted to the Board directly from the respective institution, organization or state licensing agency:

(i) A wallet or passport size photograph.

(ii) A certified transcript of the applicant's college grades showing graduation from an accredited college or university with a bachelor's degree.



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(iii) A certified transcript of the applicant's chiropractic college grades showing graduation from an approved chiropractic college.

(iv) A certified copy of the applicant's transcript of scores of the National Board of Chiropractic Examiners showing the applicant has passed the necessary examinations administered/required by that Board.

(v) Verification(s) of licensure (out of state license holders only).

(vi) If born outside the United States, verification the applicant is a citizen of or is legally present in the United States by submitting any of the form(s) or type(s) of documentation specified on the application.

(c) Notarization Required. Paper applications must be signed and notarized.

(d) Deadline for Application. Complete application, including all documents and any fees must be received and approved by the Board before an examination is scheduled.

~~(5)~~ (7) Examination Required.

(a) National Board Examination Each applicant who matriculated into chiropractic college after January 1, 1973, must pass one of the following combinations of examination:

1. NBCE I, II, III & IV

2. NBCE I, II and SPEC

(b) Alabama Board Examination.

1. In addition to the examination referenced in (a) above, each applicant must pass an examination administered by the Board relating to State Law and Regulations.

2. Passing Grade. A score of seventy - five percent is required.

3. Re-examination. An applicant must pay a fee of \$150 before a re-examination is scheduled.

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4. Scores Released. The Board shall notify each examinee of the examination results within 30 days of the examination.

~~(6)~~ (8) Issuance of License.

(a) Fee. In order to have a license issued a fee of \$50.00 must be submitted.

(b) Time Limitation. An applicant shall not practice chiropractic until payment of the appropriate license issuance fee. An applicant who passes all required examinations but has not paid the license issuance fee and obtained a license within 12 months following the date of passing must reapply.

(c) Signatures Required and Effective Date. Each license shall be signed by the Executive Director and the President of the Board. The license shall be recorded with the judge of probate where the doctor practices as specified in the Code of Alabama 1975, 34-24-164, and evidenced by the return of the completed form or proof of recordation to the Board office.

Effective: 3/6/90, amended 5/91, amended 8/93, (3) amended 3/2009, amended 10/2012, amended 6/2013 (1) (2) (3) (4) (5) (6) (7) (8)  
Authority: 34-24-144; 34-24-160; 34-24-161; 34-24-163; 34-24-165

**190 X 2 .08 Verification Of Licensure.** Any permit holder or licensee who requires written verification of his/her Alabama permit or license may request certification upon the payment of a fee of \$10.00 each. A written verification may also be requested on the Board website upon the payment of the fee.

Effective: 3/6/90, amended 7/6/93, amended 6/2013  
Authority: 34-24-144; 34-24-165

**190-X-2-.09 Recordation Of License.** Each person issued a license shall record his/her license within ten days in the office of the judge of probate in the county in which the licensee practices in Alabama, and shall likewise record such license within ten days in any county in which he/she subsequently practices chiropractic, as evidenced by the return

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of the form required by Board Rule ~~190-X-2-.06~~. 190-X-2-.01(6) (c)

Effective: 3/6/90, amended 06/2013

Authority: 34-24-1; 34-24-6; 34-24-164; 34-24-144; 34-24-165

### **190-X-2-.11      Renewal Of License.**

(1) Annual Renewal Required. Each license shall be subject to renewal on September 30 of the year for which it is issued and every person having a valid license may on or before September 30<sup>th</sup> renew the license for the ensuing year by completing the renewal application, submitting documentation as set forth below and with the payment to the State Board of Chiropractic Examiners of the fees set forth below. ~~Each licensee shall complete a renewal form provided by the Executive Director of the Board. Renewal notices will be mailed or emailed in August of each year.~~

(2) Continuing Professional Education Required. A minimum of 18 hours of continuing education as approved by the Alabama State Board of Chiropractic Examiners is required annually for license renewal.

(a) As a condition of licensure renewal, a chiropractor must obtain every year a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board rules. The two (2) hours are included in the minimum of 18 hours.

(b) Any individual who is initially licensed as a chiropractor in this state after October 1, 2011 shall complete as part of the continuing education requirement four (4) hours of continuing education in Board approved courses on chiropractic regulation and compliance with the Alabama Chiropractic Practice Act and Board Rules as a condition of renewal for the year following their initial licensure.

~~(d)~~ (c) The requirement set forth in (a) and (b) above may be satisfied by distance-based continuing education in addition to the distance-based education allowed in paragraph (3).

(3) No more than one third (1/3) of the required hours may be completed in a distance based continuing education

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format which complies with the provisions of this rule.  
Annually shall mean October 1 - September 30 of each year.

(a) All providers of distance based continuing education courses must be an entity approved by the Board as set forth by Board Rule 190-X-1-.19.

~~\_\_\_\_\_ (b) \_\_\_\_\_ Providers shall submit to the Board:~~

~~\_\_\_\_\_ 1. \_\_\_\_\_ The required fee and a completed FCLB Uniform Continuing Education Application.~~

~~\_\_\_\_\_ 2. \_\_\_\_\_ Curriculum Vitae of the course instructor(s).~~

~~\_\_\_\_\_ 3. \_\_\_\_\_ Proof of policies and procedures for implementation and evaluation of the course and the educational units.~~

~~\_\_\_\_\_ 4. \_\_\_\_\_ Electronic records of contact hours awarded to the licensee in a format and method specified by the Board.~~

~~(4) All seminars, workshops, and/or conventions staged in or out of the State of Alabama must be submitted to the Board for their approval. After examination of the subject material, the Board, in its discretion, may grant credit towards license renewal. In determining whether credit is granted and the number of credit hours granted, the Board shall consider the apparent quality of the material taught and its professional value to the practitioner.~~

The continuing educational requirement for the purpose of license renewal for any person who has graduated from a recognized CCE chiropractic college within the licensure year immediately preceding the licensure year indicated on the license renewal form except hours required in (2) (b) above may be met through attendance at a recognized CCE chiropractic college (a minimum of 18 hours). This applies only to the first license renewal period after initial licensing.

During the grace period (October 1 to December 31) for renewal, a licensee may complete any continuing education requirements for renewal that the licensee failed to complete during the prior fiscal year. Hours obtained during the grace period do not qualify or apply to the deferral procedure outlined below. Hours must be received in the board office before January 1 to avoid reinstatement.

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(5) Educational Requirement May Be Waived Or Deferred.

(a) A licensee who cannot complete the continuing educational requirements because of personal physical illness or disability, military service or other circumstances beyond the licensee's control which the board deems to be sufficient to impose a hardship may apply for a waiver or deferral of time to complete the continuing education requirements. Any waiver or deferral of time to complete the education requirements will be granted solely in the discretion of the board.

(b) A licensee seeking a waiver or deferral must make application on the form provided by the Executive Director of the Board, prior to the December 31 license expiration for completion of the education requirement. For waivers or deferrals due to illness, the application form must be accompanied by a written statement from a physician stating the diagnosis, prognosis and length of time the licensee will be unable to practice or attend an educational program. Waivers or deferrals due to personal physical illness or disability may be granted only to a licensee who has suffered a personal illness or personal disability of a nature that prevented or will prevent him/her from engaging in the active practice of chiropractic for a significant portion of the continuing education period.

(c) All licensees seeking waiver or deferral shall provide full and complete written documentation of the grounds supporting the reasons for which a deferral is sought. A licensee who requests a waiver or deferral of time to complete the required hours of continuing education shall not engage in the active practice of chiropractic beyond December 31 of any year and until the board grants the licensee's request for waiver or deferral.

(6) Renewal Fee Required.

(a) A fee not exceeding \$300.00 to be fixed by rule of the Board is required for annual license renewal. The renewal fee is \$300.00. This fee may be submitted in cashier's check, bank certified check, money order, or credit card.

(b) A licensee who is prevented from practicing chiropractic by reason of physical disability, temporary active

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duty with any of the armed forces of the United States, or while any licensee is completely retired from the practice of chiropractic may request a waiver or reduction of the fee for annual renewal. The waiver or reduction shall be effective so long as the disability, temporary active duty or complete retirement continues. Licensee must notify the Board within fifteen (15) days from the onset of any claimed physical disability, temporary active duty or complete retirement as set forth above. Licensee shall notify the Board within fifteen (15) days when any such condition no longer is applicable. Forms for waiver or reduction of fees must be obtained from the Office of the Executive Director.

(7) Late Penalty. A penalty shall be charged any person who fails to complete ~~pay~~ the renewal ~~fee~~ by September 30. The late penalty for renewal completed during the month of October is fifty dollars (\$50), for renewal completed during the month of November is one hundred dollars (\$100) and for renewal completed during the month of December is two hundred and fifty dollars (\$250).

(8) Lapsed License. A chiropractor may continue to practice until December 31 of the year for which a license is issued subject to Code of Ala. 1975, Section 34-24-165(b).

Effective: 3/6/90, (1) amended 5/91, (4) amended 8/96, (4) amended 1/97, (1) amended 7/12/97, (4) amended 6/98, (6) amended 5/99, (1)(3)(4)(5)(6) amended 1/2000, (4) amended 12/2000, (2) (3) amended 2/2001, (2) amended 3/2002, (2)(d), (3), (4) amended 8/2003, (2)(a)(b)(c)(d)(e) 1/2004, (2)(a)(c)(e), (3)(a)(b) amended 6/2006, (1)(2)(a) amended 10/06; (6)(a) amended 1/09, (1)(5)(6)(b) amended 3/2009, (2)(b)(c) (6)(c) amended 10/2011, (6)(a) amended 6/2012, (2)(a)(c) amended 10/12, amended (1)(3)(a)(b)(4)(5)(a)(7) 6/2013

Authority: 34-24-165; 34-24-144; 34-24-176; 34-24-172

**190-X-2-.12 Reinstatement Of License / Clinic Permit.** In the event any licensee allows his/her license or permit to lapse ~~past December 31~~ and desires to return to active practice, he/she must apply to the Board for a reinstatement of the license or permit and must submit to the Board a reinstatement fee ~~of \$150.00~~ together with all back fees including the highest late renewal penalty. Each applicant shall submit a properly completed Alabama Bureau of Investigation (ABI) Form - 46 and required processing fees for a criminal background report. The

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applicant shall submit a properly completed ABI Form - 46 and Federal Bureau of Investigation (FBI) fingerprint cards and required processing fees for an FBI criminal background report. The applicant must satisfy the Board that he/she is of good moral character and that he/she otherwise possesses all qualifications required by law of licensees or permit holders. Applicants for reinstatement, who graduated from chiropractic college after January 1, 2010, shall submit a transcript they have a bachelors degree from an accredited college or university or an academic graduate degree from a regionally accredited college or university and evidence of passing a nationally recognized standardized test commensurate with the referenced degree. Additionally, the Board may require the applicant to enroll in and pass a refresher course approved by the Board at an accredited chiropractic school. The Board's decision as to whether a course of study will be required and whether a particular course of study will be approved shall be made on an individual case basis and shall be based on all relevant circumstances of that case.

Effective: 9/15/82, amended 1/2000, amended 8/2003, amended 3/09, amended 6/2013

Authority: 34-24-172; 34-24-144; 34-24-165

#### **190-X-2-.16 Inactive License (Out of State).**

(1) Any licensee who is in active practice outside the state of Alabama may apply to the Board for an Inactive (Out of State) License.

(2) A inactive license must complete renewal as provided in rule 190-X-2-.11(1) (2) (3) (4) (5).

(3) The annual fee for an inactive license shall be one-half of the amount required by 190-X-2-.11 (6) ~~(5)~~.

(4) Any licensee who desires to change the status of their license from Inactive to Active shall submit a Status Change Application and any required documentation to the Board. The applicant must receive a renewal card reflecting Active status prior to any actual practice in Alabama. Failure to comply with this requirement may constitute unprofessional conduct as provided in rule 190-X-5-.05.

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Effective: 10/2003, amended (3) (4) 3/2006; amended (4) 9/2011,  
amended (2) (3) 6/2013

Authority: 34-24-165; 34-24-140

### **190-X-2-.17      Non Licensed Chiropractic Practice Ownership.**

(1)            Definition. For the purpose of this rule, practice shall mean an office, clinic or other place that offers or provides chiropractic services which is owned in whole or in part by a non-licensed person or entity.

(2)            Permit Required.

(a)            A practice shall not offer or provide chiropractic services without all non-licensed owners' first obtaining a permit or renewal permit from the Board.

(b)            An applicant for a permit shall submit to the Board an application as prescribed by the Board, along with a permit fee and an examination fee in the amounts set forth to be established by the Board Rule. The application must be signed by all owner(s), if a sole proprietorship, or by an authorized representative, if a partnership, corporation, Limited Liability Company or Limited Liability Partnership. Each applicant shall be of good moral character, a citizen of the United States or, if not a citizen of the United States, a person who is legally present in the United States with appropriate documentation from the federal government.

(c)            The following information shall be included in the application and upon renewal:

1.            The legal name of the practice and street address, telephone and facsimile numbers of the practice;

2.            The type of entity (Sole proprietorship, partnership, corporation, Limited Liability Company, or Limited Liability Partnership);

3.            The name, address and percentage of ownership of each person or entity;

4.            The name and license number of each chiropractor licensed by the Board who is employed or otherwise engaged to offer or provide chiropractic services at the practice. Each



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such applicant, i.e. the individual or the person most directly involved should be of good moral character.

(d) As a condition of the issuance of the initial non-licensed permit, the applicant if an individual(s) or if an entity the person(s) who will be most directly involved in the operation of the practice shall successfully pass a jurisprudence examination to be administered by the Board.

(e) No permit or renewal will be issued on an incomplete submission. Applications or renewals that are submitted without all of the required documents, information and/or fees will be deemed incomplete and returned to the applicant.

(f) Practice permits shall not be required for licensed hospitals as defined in Sections 22-21-7, Code of Ala. 1975, ~~or public health clinics registered with an appropriate government agency.~~

(g) At least 30 days prior to the expiration of a practice permit, the Board shall send a renewal reminder to owner(s) of a practice.

(h) Late Fees. A practice which does not renew the permit by September 30 shall pay late fees in the same amount as outlined in Board Rule 190-X-2-.11(7).

(i) Continuing Education Required. As a condition for renewal of a non licensed permit, the clinic owner(s) shall obtain a minimum of two (2) hours of continuing education in Board approved courses on chiropractic regulations and compliance with the Alabama Chiropractic Practice Act and Board Rules between October 1 and September 30 of each year.

(3) Any licensed chiropractor who offers or provides chiropractic services for or in a practice as defined in this rule without said practice having first obtained a permit or a timely renewal shall be considered in violation of the Alabama Chiropractic Practice Act. A practice permit shall be subject to the provisions of the Alabama Chiropractic Practice Act in regard to issuance and renewal of the permit or the acts or omission of any licensed chiropractor employed or otherwise engaged to offer or provide chiropractic services.

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(4) Lapsed Permit. A clinic may continue to operate until December 31 of the year for which a permit is issued subject to Code of Ala. 1975, Section 34-24-165(b).

Author: J Ward

Effective: 10/1/04, amended (7) 10/06, (6) (7) (8) amended 3/08, amended (4) 6/2010, amended (2) (b) (c) (4) (f) (4) 6/2013

Authority: 34-24-123; 34-24-165

### **190-X-3-.02 Chiropractic Physiological Therapeutics or Physical Therapy.**

(1) Definition. Chiropractic Physiological Therapeutics or physical therapy includes, but is not limited to, modalities which produce electrical current, light, air, water, thermal (hot and cold), percussion, vibration, traction, massage, sonic wave; colonic irrigation, and rehabilitation equipment (bracing and casting).

(2) Practice Permitted. No person licensed to practice chiropractic in Alabama shall practice Chiropractic Physiological Therapeutics or perform physical therapy unless they have complied with the following requirements:

(a) A minimum of one hundred twenty hours of study.

(b) Pass an examination administered by a school or college approved by the Board or pass the National Board of Chiropractic Examiners Physiotherapy examination. This applies to all persons licensed to practice chiropractic in Alabama who matriculated in a chiropractic college on or after January 1, 1988.

Effective: 3/6/90, (3) amended 12/90, amended 6/07, amended 6/2013 (1) (2)

Authority: 34-24-120; 34-24-165; 34-24-144

### **190-X-4-.06 Discipline.**

(1) Upon a finding that a licensee or permit holder has violated any enumerated provision of Code of Ala. 1975, §§34-24-123, 34-24-161(e), or 34-24-166, or any rule adopted pursuant thereto, the Board may invoke disciplinary action as outlined in §34-24-166(c). Failure to comply with any final

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order of the board, including, but not limited to, an order of censure or probation, is cause for suspension or revocation of the license or permit.

(2) Fines. Upon finding that a licensee or permit holder has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following schedule of fines for each such violation. The Board shall not renew the annual certificate of registration of any licensee or permit holder against whom an administrative fine has been assessed by the Board until the fine is paid in full.

(a) The Board may impose a fine not to exceed \$2,000 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class A violation):

1. Section 34-24-166(b) (1);
2. Section 34-24-166(b) (2);
3. Section 34-24-166(b) (3);
4. Section 34-24-166(b) (4);
5. Section 34-24-166(b) (5);
6. Section 34-24-166(b) (6);
7. Section 34-24-166(b) (9);
8. Section 34-24-166(b) (10);
9. Section 34-24-166(b) (11);
10. Section 34-24-166(b) (12); ~~and~~
11. Section 34-24-166(b) (13); and-
12. Section 34-24-166(b) 15.

(b) The Board may impose a fine not to exceed \$1,000.00 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class B violation):

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1. Section 34-24-166(b) (7); and

2. Section 34-24-166(b) (8);

(c) The Board may impose a fine not to exceed \$500.00 for each violation of any of the following provisions of law governing the practice of chiropractic or any rule adopted pursuant thereto (Class C violations):

1. Section 34-24-166(b) (14);

2. Section 34-24-166(b) ~~(15)~~ (16); and

3. Section 34-24-166(b) ~~(16)~~ (17).

(3) Additional Discipline. Upon finding the licensee or permit holder has violated any enumerated provision of law governing the practice of chiropractic or any rule adopted pursuant thereto, the Board may impose the following additional penalties:

(a) Revoke the license or permit.

(b) Suspend the license or permit.

(c) Enter a censure on the license or permit.

(d) Place the license or permit on probation fixing a period and terms best adapted to protect the public health and safety and to rehabilitate the licensee.

(e) Impose restrictions on the scope of practice of the licensee.

(f) Impose peer review

(g) Impose professional education requirements.

(h) Issue a reprimand to the licensee or permit holder.

(i) Order and direct a licensee to submit to a physical, mental or lab examination as outlined in §34-24-166.

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(4) Stay of Execution of Order. The Board may, in its discretion, permanently or temporarily stay the execution of its order to revoke or suspend respondent's license or permit.

(5) Considerations. In determining whether disciplinary action should be invoked, or whether a fine should be imposed and in what amount, and whether execution of the order should be stayed, and upon what conditions, the Board shall consider all relevant factors, including, but not limited to, the following:

- (a) the severity of the offense;
- (b) the danger to the public;
- (c) the number of repetitions of offenses;
- (d) the length of time since the violation;
- (e) the number of complaints filed against the licensee or permit holder;
- (f) the length of time the licensee has practiced or permit holder has had permit;
- (g) the actual damage, physical or otherwise, to the patient;
- (h) the deterrent effect of the penalty imposed;
- (i) the effect of the penalty upon the licensee's or permit holder's livelihood;
- (j) any efforts of rehabilitation; and
- (k) any other mitigating or aggravating circumstances.

Effective: 8/5/89, amended 7/6/93, (a) (b) (c) amended 5/99,  
(a) (b) (c) amended 1/2001, amended 8/2003, amended 6/06,  
(2) (a) (c) amended 3/08, (3) (a) (b) (d) (4) (5) (e) (f) (i) amended  
3/2009, amended (2) (a) (c) (3) 6/2013  
Authority: 34-24-144; 34-24-165

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### **190-X-5-.02      Cooperation With The Board.**

(1)            Statement of Policy. Each licensed chiropractor or permit holder is requested and is expected to cooperate with the Board in all matters.

(2)            Report of Violations. Any chiropractor or permit holder who has knowledge of violations of any provision of Code of Ala. 1975, §§34-24-120, et seq., or of these rules shall report such to the Board for investigation. When possible, the chiropractor or permit holder shall procure evidence that will aid in the prosecution of the violator. Failure to comply with the requirements of this rule will constitute unprofessional conduct as defined in Rule 190-X-5-.05, and Code of Ala. 1975, 34-24-166(b) (2) (3).

Effective: 3/6/90, amended 7/6/93, (1) (2) amended 3/2009,  
amended (2) 6/2013

Authority: 34-24-144; 34-24-165; 34-24-123; 34-24-166.

### **190-X-5-.04      Advertising.**

(1)            A chiropractor or non licensed clinic owner shall not make or cause to be made a false communication about the chiropractor or the chiropractor's services. A communication is false if it contains a material misrepresentation of fact or law or omits a material fact rendering the statement when considered as a whole to be false.

(2)            A communication is defined as information in any manner or medium designed or intended to attract public attention to the chiropractor or his/ her practice.

(3)            The chiropractor or non licensed clinic owner shall have ultimate responsibility for all communications which are approved by him or her or his or her agents or associates. All communications regardless of form, including but not limited to recorded and printed communications, shall be approved by the chiropractor. In the case of broadcast communications, the actual transmission shall be retained and in the case of printed communications, a copy of the publication in which the communication is displayed shall be retained. Copies of communications, including but not limited to the transmission and publication referenced above, shall be retained by the chiropractor for one hundred eighty (180) days following the

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final appearance or use of the communication. The chiropractor is responsible for making copies of the communications available to the Board within ten (10) days following a request by the board.

Author: ASBCE

Effective: 1/14/08, amended (2) (3) 6/2013

Authority: 34-24-166(5) (15) (20); 34-24-144; 34-24-165

### **190-X-5-.10      Inability To Practice Chiropractic With Reasonable Skill And Safety To Patients.**

(1)            Statement of Policy. The Legislature has declared that a chiropractor or permit holder may be disciplined due to the inability to operate a clinic or practice chiropractic with reasonable skill and safety by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals or any other substance, or as a result of any mental or physical condition.

(2)            Board Intervention. It is the duty and obligation of the Board to promote the early identification, intervention, treatment and rehabilitation of chiropractors licensed or permit holders to practice in this State who may be impaired by reason of illness, inebriation, excessive use of drugs, narcotics, alcohol, chemicals, or other substances or as a result of any physical or mental condition. The Board may enter into an agreement pertaining to the areas, functions, or responsibilities set forth in Code of Ala. 1975, Section 34-24-166(g).

(3)            Requirement and Criteria for Examination. Every permit holder who accepts the privilege of operating a clinic and every licensee who accepts the privilege of practicing chiropractic in the State of Alabama by actually practicing or by the making and filing of an annual renewal ~~to practice chiropractic~~ upon a showing of probable cause that the chiropractor or permit holder is not capable of physically or mentally practicing chiropractic or operating a clinic with reasonable skill and safety to patients, shall be deemed to have given consent to submit to a mental, physical or laboratory examination, or any combination thereof, and to waive all objections to the admissibility of the testimony or examination reports of the examining physician on the ground that the reports constitute privileged doctor patient communications.

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(4) If there is an issue of whether or not a permit holder or licensee is physically or mentally capable of operating a clinic or practicing chiropractic with reasonable skill and safety to patients, upon a showing or probable cause to the Board that the permit holder or licensee is not so capable, the Board may order and direct the permit holder or licensee to submit to a physical, mental, or laboratory examination, or any combination thereof, to be performed by a physician designated or approved by the Board. The expense of the examination shall be borne by the permit holder or licensee who was examined.

Effective: 10/1/82, amended 2(b) 1/98, amended 2(c) 6/98,  
amended 11/2003, amended (1)(c) 6/2013

Authority: 34-24-166(2); 34-24-144; 34-24-165

### **190-X-5-.13 Professional Signs.**

(1) Any permit holder or chiropractor who is actively engaged in the operation of a clinic or the practice of chiropractic is required to place a sign or cause or require a sign to be placed in a conspicuous place at the entrance of the office or place of practice which must include the following information:

(a) The name of the practice. If the name of the practice is other than the name of the participating chiropractors, then the name of all chiropractors practicing at that location shall appear following or beneath the name selected.

(b) The word chiropractor, chiropractic, chiropractors, chiropractic physician or chiropractic physicians. These terms shall be displayed with similar prominence as the name of the practice.

(c) If any permit holder or licensed chiropractor is unable to comply with this rule because of circumstances such as being a member of a multi-discipline practice, not owning or controlling the building where the practice is located, etc., the chiropractor shall document and use their best efforts to have their name listed and in similar prominence the word chiropractor, chiropractic, chiropractors, chiropractic



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physician or chiropractic physicians at the entrance of the office place of practice.

Effective: 3/6/90, amended 5/99, amended 1/2003, amended 6/2013

Authority: 34-24-144; 34-24-161; 34-24-166

### **190-X-2-.14 Retirement Of License.**

(1) Any licensee who is no longer in active practice may apply to the Board for retirement of his/her license by submitting an affidavit to that effect on a form supplied by the Executive Director.

(2) A retiree is excused from the continuing education requirement of Rule 190-X-2-.11(2).

(3) The annual renewal fee for maintenance of a retired license may not be more than one-half that provided in Rule 190-X-2-.11(6)~~(4)~~ for an active license.

(4) A retired license may be reactivated in the same manner as provided in Rule 190-X-2-.12; ~~provided, however, that the applicant for reactivation may not be required to pay back fees and reinstatement fees for reinstatement to active practice.~~

Effective: 6/14/84, (3), (5) amended 8/2003, (4) (5) amended 10/2006, (1) amended 3/2009, amended (3) (4) 6/2013

Authority: 34-24-165; 34-24-144